

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-24 have been canceled without prejudice or disclaimer. New claims 25-39 have been added. Support for these amendments can be found in the specification at least on page 17, line 14 to page 23, line 10. No new matter has been added.

This amendment adds and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 25-39 are now pending in this application.

Rejection under 35 U.S.C. § 102

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPAP 2002/0172431 to Atkins et al. (“Atkins”). This rejection is moot with respect to claims 1-24, which have been canceled. Insofar as this rejection can be applied to new claims 25-39, applicant respectfully traverses for at least the following reasons.

New independent claim 25 recites “the filter processing module includes . . . a selector connected to the filter computing section and serving as a filter factor selecting module, a filter factor 1 setting section connected to the selector and serving as a filter factor setting module, and a filter factor 2 setting section connected to the selector and serving as a filter factor setting module, the filter factor selecting module selecting either the filter factor 1 setting section or the filter factor 2 setting section in accordance with the sampling rate selection signal.” Thus in claim 25 the filter factor selecting module selects either the filter factor 1 setting section or the filter factor 2 setting section in accordance with the sampling rate selection signal. Atkins fails to suggest this feature of claim 25 or the advantages attendant thereto.

Atkins discloses a technique for performing filter processing to improve the appearance of an image while increasing the compressibility of the image. Atkins discloses an edge dependent filter selection module 340 in Figure 4. The edge dependent filter selection module 340 in Figure 4 includes an edge angle measure generator 410, a sharpness measure generator 420, a curvature metric generator 430 and a filter selector 440 (paragraph [0050]). The filter selector 440 is coupled to the edge angle measure generator 410, the sharpness measure generator 420, and the curvature metric generator 430 to receive inputs therefrom (paragraph [0051]).

The Office Action equates the filter selector 440 of Atkins with the filter factor selecting module as claimed. In contrast to the filter factor selecting module recited in claim 25, however, the filter selector 440 of Atkins is not disclosed as selecting a filter factor setting section in accordance with a sampling rate selection signal. The filter selector 440 of Atkins receives inputs from the edge angle measure generator 410, the sharpness measure generator 420, and the curvature metric generator 430. Atkins does not disclose, however, that any of these inputs is a sampling rate selection signal. Atkins does not select his filter based on sampling rate. Thus, Atkins fails to anticipate claim 25 for at least this reason.

Moreover, Atkins fails to realize the advantages of the image processing device of claim 25, where the filter is selected based on sampling rate. In claim 25, by selecting a filter factor in accordance with the sampling rate, it is possible to suppress moiré without the need for excessive un-sharpness processing (See present specification on page 2, line 25 to page 3, line 6). Atkins, failing to disclose that his filter is selected based on sampling rate, fails to realize this advantage.

Independent claims 30 and 35 respectively recite “the filter processing means includes . . . a selector connected to the filter computing section and serving as filter factor selecting means, a filter factor 1 setting section connected to the selector and serving as filter factor setting means, and a filter factor 2 setting section connected to the selector and serving as filter factor setting means, the filter factor selecting means selecting either the filter factor 1

setting section or the filter factor 2 setting section in accordance with the sampling rate selection signal” and “a selector connected to the filter computing section and serving as filter factor selecting means, a filter factor 1 setting section connected to the selector and serving as filter factor setting means, and a filter factor 2 setting section connected to the selector and serving as filter factor setting means, the filter factor selecting means selecting either the filter factor 1 setting section or the filter factor 2 setting section in accordance with the sampling rate selection signal”, and thus are patentable for reasons analogous to claim 25.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 13, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

By Thomas G. Bilodeau

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438